IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 27144 of 2003(F)

PETITIONER:

A.V.RAJAN, HOSPITAL ATTENDER GRADE-II,
THE DISTRICT HOSPITAL, PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.SREEKANTH.K.R
SMT.G.GEETHISHA

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GENERAL EDUCATION (G)
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR GOVERNMENT
EXAMINATIONS KERALA, THIRUVANANTHAPURAM.

3. THE SUB DIVISIONAL MAGISTRATE,
PALAKKAD.

BY GOVERNMENT PLEADER SMT. M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 27144/2003 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CERTIFICATE OF RELATIONSHIP DT. 24/6/98.

EXT.P2. COPY OF THE ADMISSION TICKET OF THE BROTHER OF THE PETITIONER DT. 18/08/99.

EXT.P3. COPY OF THE ADMISSION ABSTRACT OF THE PETITIONER DT. 22/09/01.

EXT.P4. COPY OF THE ADMISSION ABSTRACT OF THE SISTER OF THE PETITIONER DT. 22/09/01.

EXT.P5. COPY OF THE ADMISSION ABSTRACT OF THE SISTER OF THE PETITIONER DTD. 18/08/99.

EXT.P6. COPY OF THE ORDER DT. 3/3/01.

EXT.P7. COPY OF THE ORDER DT. 27/09/01.

EXT.P8. COPY OF THE MEMORANDUM OF APPEAL DT. 15/10/01.

EXT.P9. COPY OF THE ORDER DT. 11/12/02.

EXT.P10. COPY OF THE IDENTIFICATION CERTIFICATE DT. 16/3/99.

EXT.P11. COPY OF THE ORDER DT. 9/5/03.

EXT.P12. COPY OF THE AFFIDAVIT SWORN BY AN ASTROLOGER DT. 19/6/07.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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A.K. Basheer, J.

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W.P(C) No.27144 of 2003

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Dated this the 19th day of July, 2007.

J U D G M E N T

Petitioner who is presently working as Hospital Attender, Grade II claims that his actual date of birth is March 12, 1957. However by oversight and mistake the date in his school records was entered as July 30, 1952. According to the petitioner, he was the 4th child of his parents as could be revealed from Ext.P1 "Certificate of Relationship" issued by the Village Officer in 1998. Though the petitioner had approached respondent No.2 for alteration of his date of birth in the school records under Rule 3 of Chapter VI KER, the request made by him was turned down through Ext.P7 order dated September 27, 2001. Thereafter the petitioner had preferred an appeal before respondent No.1. But it was also dismissed as could be seen from Ext.P9 order.

2. It is contended by the petitioner that his horoscope would unambiguously show that his correct date of birth is March 12, 1957, which corresponds to Kumbham 29, 1132 Malayalam Era. Petitioner places reliance on Ext.P12 which is stated to be the affidavit of the Astrologer. This affidavit appears to be the last straw of the petitioner which is seen sworn to by the Astrologer on June 19, 2007.

3. After dismissal of the appeal by the Government in 2002 (Ext.P9) petitioner had obtained Ext.P10 certificate from the Village Officer which is titled as "identification certificate". The Village

Officer asserts that the child born to the parents of the petitioner on March 12, 1957 is none other than the petitioner himself. Though the said certificate was obtained by the petitioner in 1999, it is pressed into service only now. Anyhow, the last attempt of the petitioner was before the Sub Divisional Magistrate, Palakkad. The said authority had also turned down the request of the petitioner for correction of his date of birth by Ext.P11 order dated May 9, 2003.

4. Learned counsel for the petitioner has tried to draw support from a decision of this Court in Sankaran v. State of Kerala (1990 (2) KLJ 869). Having gone through the said judgment, I do not find that the petitioner can derive any benefit out of the said judgment. In State of Punjab v. Mohinder Singh (2005 (3) SCC 702), the Supreme Court had once again reiterated that the entry in school record ought to be taken as authentic and correct and an employee who seeks to rely on horoscope has to establish its authenticity, since horoscope is a weak piece of evidence which can be considered only if its authenticity is established. Further, it has been repeatedly held by the Supreme Court as well as this Court that the attempt of the employees to get their dates of births altered at the fag end of their career should be discouraged.

5. Having perused the entire materials on record, I do not find any reason to interfere with Exts.P9 and P11 orders. There is no merit in any of the contentions raised by the petitioner.

Writ Petition fails and it is accordingly dismissed.

A.K. Basheer
Judge.

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